



Attorney General Jon Bruning

NEWS RELEASE

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Contact: Shannon Kingery

402.471.2067

Shannon.kingery@nebraska.gov

AG Bruning: FDA Should Appeal Court Order Requesting Return of Sodium Thiopental

LINCOLN – Attorney General Jon Bruning today released a statement on the state’s response to the Food and Drug Administration (FDA) regarding sodium thiopental. In the response letter sent today, Nebraska encouraged the federal agency to appeal the order in the case of *Beatty v Federal Drug Administration*.

“The FDA should appeal the Court’s decision,” said Bruning. “Nebraska’s supply of sodium thiopental was purchased from a different supplier and was approved for importation by the U.S. DEA, FDA and Customs.”

U.S. District Judge Richard Leon’s court order does not apply to Nebraska and has no bearing on the sodium thiopental in the possession of Nebraska Department of Correctional Services. The supply referenced in the Washington, D.C. *Beatty* case was purchased from Dream Pharma and previously was detained by the FDA as an unapproved and misbranded drug.

Nebraska’s letter states the Court’s order was clearly wrong and contrary to the 1985 United States Supreme Court decision in *Heckler v Cheney* which gave complete authority to the Secretary of Health and Human Services “to decide how and when” to enforce provisions of the federal FDA Act.

MEDIA LINKS

A copy of the letter from the FDA can be viewed [here](#).

A copy of Nebraska’s response can be viewed [here](#).